



Sen. Thomas Cullerton

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LRB099 09776 AWJ 31253 a

1 AMENDMENT TO SENATE BILL 1206

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1206 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Municipal Code is amended by  
5 changing Section 11-74.4-4 as follows:

6 (65 ILCS 5/11-74.4-4) (from Ch. 24, par. 11-74.4-4)

7 Sec. 11-74.4-4. Municipal powers and duties; redevelopment  
8 project areas. The changes made by this amendatory Act of the  
9 91st General Assembly do not apply to a municipality that, (i)  
10 before the effective date of this amendatory Act of the 91st  
11 General Assembly, has adopted an ordinance or resolution fixing  
12 a time and place for a public hearing under Section 11-74.4-5  
13 or (ii) before July 1, 1999, has adopted an ordinance or  
14 resolution providing for a feasibility study under Section  
15 11-74.4-4.1, but has not yet adopted an ordinance approving  
16 redevelopment plans and redevelopment projects or designating

1 redevelopment project areas under this Section, until after  
2 that municipality adopts an ordinance approving redevelopment  
3 plans and redevelopment projects or designating redevelopment  
4 project areas under this Section; thereafter the changes made  
5 by this amendatory Act of the 91st General Assembly apply to  
6 the same extent that they apply to redevelopment plans and  
7 redevelopment projects that were approved and redevelopment  
8 projects that were designated before the effective date of this  
9 amendatory Act of the 91st General Assembly.

10 A municipality may:

11 (a) By ordinance introduced in the governing body of the  
12 municipality within 14 to 90 days from the completion of the  
13 hearing specified in Section 11-74.4-5 approve redevelopment  
14 plans and redevelopment projects, and designate redevelopment  
15 project areas pursuant to notice and hearing required by this  
16 Act. No redevelopment project area shall be designated unless a  
17 plan and project are approved prior to the designation of such  
18 area and such area shall include only those contiguous parcels  
19 of real property and improvements thereon substantially  
20 benefited by the proposed redevelopment project improvements.  
21 Upon adoption of the ordinances, the municipality shall  
22 forthwith transmit to the county clerk of the county or  
23 counties within which the redevelopment project area is located  
24 a certified copy of the ordinances, a legal description of the  
25 redevelopment project area, a map of the redevelopment project  
26 area, identification of the year that the county clerk shall

1 use for determining the total initial equalized assessed value  
2 of the redevelopment project area consistent with subsection  
3 (a) of Section 11-74.4-9, and a list of the parcel or tax  
4 identification number of each parcel of property included in  
5 the redevelopment project area.

6 (b) Make and enter into all contracts with property owners,  
7 developers, tenants, overlapping taxing bodies, and others  
8 necessary or incidental to the implementation and furtherance  
9 of its redevelopment plan and project. Contract provisions  
10 concerning loan repayment obligations in contracts entered  
11 into on or after the effective date of this amendatory Act of  
12 the 93rd General Assembly shall terminate no later than the  
13 last to occur of the estimated dates of completion of the  
14 redevelopment project and retirement of the obligations issued  
15 to finance redevelopment project costs as required by item (3)  
16 of subsection (n) of Section 11-74.4-3. Payments received under  
17 contracts entered into by the municipality prior to the  
18 effective date of this amendatory Act of the 93rd General  
19 Assembly that are received after the redevelopment project area  
20 has been terminated by municipal ordinance shall be deposited  
21 into a special fund of the municipality to be used for other  
22 community redevelopment needs within the redevelopment project  
23 area.

24 (c) Within a redevelopment project area, acquire by  
25 purchase, donation, lease or eminent domain; own, convey,  
26 lease, mortgage or dispose of land and other property, real or

1 personal, or rights or interests therein, and grant or acquire  
2 licenses, easements and options with respect thereto, all in  
3 the manner and at such price the municipality determines is  
4 reasonably necessary to achieve the objectives of the  
5 redevelopment plan and project. No conveyance, lease,  
6 mortgage, disposition of land or other property owned by a  
7 municipality, or agreement relating to the development of such  
8 municipal property shall be made except upon the adoption of an  
9 ordinance by the corporate authorities of the municipality.  
10 Furthermore, no conveyance, lease, mortgage, or other  
11 disposition of land owned by a municipality or agreement  
12 relating to the development of such municipal property shall be  
13 made without making public disclosure of the terms of the  
14 disposition and all bids and proposals made in response to the  
15 municipality's request. The procedures for obtaining such bids  
16 and proposals shall provide reasonable opportunity for any  
17 person to submit alternative proposals or bids.

18 (d) Within a redevelopment project area, clear any area by  
19 demolition or removal of any existing buildings and structures.

20 (e) Within a redevelopment project area, renovate or  
21 rehabilitate or construct any structure or building, as  
22 permitted under this Act.

23 (f) Install, repair, construct, reconstruct or relocate  
24 streets, utilities and site improvements essential to the  
25 preparation of the redevelopment area for use in accordance  
26 with a redevelopment plan.

1           (g) Within a redevelopment project area, fix, charge and  
2 collect fees, rents and charges for the use of any building or  
3 property owned or leased by it or any part thereof, or facility  
4 therein.

5           (h) Accept grants, guarantees and donations of property,  
6 labor, or other things of value from a public or private source  
7 for use within a project redevelopment area.

8           (i) Acquire and construct public facilities within a  
9 redevelopment project area, as permitted under this Act.

10          (j) Incur project redevelopment costs and reimburse  
11 developers who incur redevelopment project costs authorized by  
12 a redevelopment agreement; provided, however, that on and after  
13 the effective date of this amendatory Act of the 91st General  
14 Assembly, no municipality shall incur redevelopment project  
15 costs (except for planning costs and any other eligible costs  
16 authorized by municipal ordinance or resolution that are  
17 subsequently included in the redevelopment plan for the area  
18 and are incurred by the municipality after the ordinance or  
19 resolution is adopted) that are not consistent with the program  
20 for accomplishing the objectives of the redevelopment plan as  
21 included in that plan and approved by the municipality until  
22 the municipality has amended the redevelopment plan as provided  
23 elsewhere in this Act.

24          (k) Create a commission of not less than 5 or more than 15  
25 persons to be appointed by the mayor or president of the  
26 municipality with the consent of the majority of the governing

1 board of the municipality. Members of a commission appointed  
2 after the effective date of this amendatory Act of 1987 shall  
3 be appointed for initial terms of 1, 2, 3, 4 and 5 years,  
4 respectively, in such numbers as to provide that the terms of  
5 not more than 1/3 of all such members shall expire in any one  
6 year. Their successors shall be appointed for a term of 5  
7 years. The commission, subject to approval of the corporate  
8 authorities may exercise the powers enumerated in this Section.  
9 The commission shall also have the power to hold the public  
10 hearings required by this division and make recommendations to  
11 the corporate authorities concerning the adoption of  
12 redevelopment plans, redevelopment projects and designation of  
13 redevelopment project areas.

14 (l) Make payment in lieu of taxes or a portion thereof to  
15 taxing districts. If payments in lieu of taxes or a portion  
16 thereof are made to taxing districts, those payments shall be  
17 made to all districts within a project redevelopment area on a  
18 basis which is proportional to the current collections of  
19 revenue which each taxing district receives from real property  
20 in the redevelopment project area.

21 (m) Exercise any and all other powers necessary to  
22 effectuate the purposes of this Act.

23 (n) If any member of the corporate authority, a member of a  
24 commission established pursuant to Section 11-74.4-4(k) of  
25 this Act, or an employee or consultant of the municipality  
26 involved in the planning and preparation of a redevelopment

1 plan, or project for a redevelopment project area or proposed  
2 redevelopment project area, as defined in Sections  
3 11-74.4-3(i) through (k) of this Act, owns or controls an  
4 interest, direct or indirect, in any property included in any  
5 redevelopment area, or proposed redevelopment area, he or she  
6 shall disclose the same in writing to the clerk of the  
7 municipality, and shall also so disclose the dates and terms  
8 and conditions of any disposition of any such interest, which  
9 disclosures shall be acknowledged by the corporate authorities  
10 and entered upon the minute books of the corporate authorities.  
11 If an individual holds such an interest then that individual  
12 shall refrain from any further official involvement in regard  
13 to such redevelopment plan, project or area, from voting on any  
14 matter pertaining to such redevelopment plan, project or area,  
15 or communicating with other members concerning corporate  
16 authorities, commission or employees concerning any matter  
17 pertaining to said redevelopment plan, project or area.  
18 Furthermore, no such member or employee shall acquire of any  
19 interest direct, or indirect, in any property in a  
20 redevelopment area or proposed redevelopment area after either  
21 (a) such individual obtains knowledge of such plan, project or  
22 area or (b) first public notice of such plan, project or area  
23 pursuant to Section 11-74.4-6 of this Division, whichever  
24 occurs first. For the purposes of this subsection, a property  
25 interest acquired in a single parcel of property by a member of  
26 the corporate authority, which property is used exclusively as

1 the member's primary residence, shall not be deemed to  
2 constitute an interest in any property included in a  
3 redevelopment area or proposed redevelopment area that was  
4 established before December 31, 1989, but the member must  
5 disclose the acquisition to the municipal clerk under the  
6 provisions of this subsection. A single property interest  
7 acquired within one year after the effective date of this  
8 amendatory Act of the 94th General Assembly or 2 years after  
9 the effective date of this amendatory Act of the 95th General  
10 Assembly by a member of the corporate authority does not  
11 constitute an interest in any property included in any  
12 redevelopment area or proposed redevelopment area, regardless  
13 of when the redevelopment area was established, if (i) the  
14 property is used exclusively as the member's primary residence,  
15 (ii) the member discloses the acquisition to the municipal  
16 clerk under the provisions of this subsection, (iii) the  
17 acquisition is for fair market value, (iv) the member acquires  
18 the property as a result of the property being publicly  
19 advertised for sale, and (v) the member refrains from voting  
20 on, and communicating with other members concerning, any matter  
21 when the benefits to the redevelopment project or area would be  
22 significantly greater than the benefits to the municipality as  
23 a whole. For the purposes of this subsection, a month-to-month  
24 leasehold interest in a single parcel of property by a member  
25 of the corporate authority shall not be deemed to constitute an  
26 interest in any property included in any redevelopment area or

1 proposed redevelopment area, but the member must disclose the  
2 interest to the municipal clerk under the provisions of this  
3 subsection.

4 (o) Create a Tax Increment Economic Development Advisory  
5 Committee to be appointed by the Mayor or President of the  
6 municipality with the consent of the majority of the governing  
7 board of the municipality, the members of which Committee shall  
8 be appointed for initial terms of 1, 2, 3, 4 and 5 years  
9 respectively, in such numbers as to provide that the terms of  
10 not more than 1/3 of all such members shall expire in any one  
11 year. Their successors shall be appointed for a term of 5  
12 years. The Committee shall have none of the powers enumerated  
13 in this Section. The Committee shall serve in an advisory  
14 capacity only. The Committee may advise the governing Board of  
15 the municipality and other municipal officials regarding  
16 development issues and opportunities within the redevelopment  
17 project area or the area within the State Sales Tax Boundary.  
18 The Committee may also promote and publicize development  
19 opportunities in the redevelopment project area or the area  
20 within the State Sales Tax Boundary.

21 (p) Municipalities may jointly undertake and perform  
22 redevelopment plans and projects and utilize the provisions of  
23 the Act wherever they have contiguous redevelopment project  
24 areas or they determine to adopt tax increment financing with  
25 respect to a redevelopment project area which includes  
26 contiguous real property within the boundaries of the

1 municipalities, and in doing so, they may, by agreement between  
2 municipalities, issue obligations, separately or jointly, and  
3 expend revenues received under the Act for eligible expenses  
4 anywhere within contiguous redevelopment project areas or as  
5 otherwise permitted in the Act.

6 (q) Utilize revenues, other than State sales tax increment  
7 revenues, received under this Act from one redevelopment  
8 project area for eligible costs in another redevelopment  
9 project area that is:

10 (i) contiguous to the redevelopment project area from  
11 which the revenues are received;

12 (ii) separated only by a public right of way from the  
13 redevelopment project area from which the revenues are  
14 received; or

15 (iii) separated only by forest preserve property from  
16 the redevelopment project area from which the revenues are  
17 received if the closest boundaries of the redevelopment  
18 project areas that are separated by the forest preserve  
19 property are less than one mile apart.

20 Utilize tax increment revenues for eligible costs that are  
21 received from a redevelopment project area created under the  
22 Industrial Jobs Recovery Law that is either contiguous to, or  
23 is separated only by a public right of way from, the  
24 redevelopment project area created under this Act which  
25 initially receives these revenues. Utilize revenues, other  
26 than State sales tax increment revenues, by transferring or

1     loaning such revenues to a redevelopment project area created  
2     under the Industrial Jobs Recovery Law that is either  
3     contiguous to, or separated only by a public right of way from  
4     the redevelopment project area that initially produced and  
5     received those revenues; and, if the redevelopment project area  
6     (i) was established before the effective date of this  
7     amendatory Act of the 91st General Assembly and (ii) is located  
8     within a municipality with a population of more than 100,000,  
9     utilize revenues or proceeds of obligations authorized by  
10    Section 11-74.4-7 of this Act, other than use or occupation tax  
11    revenues, to pay for any redevelopment project costs as defined  
12    by subsection (q) of Section 11-74.4-3 to the extent that the  
13    redevelopment project costs involve public property that is  
14    either contiguous to, or separated only by a public right of  
15    way from, a redevelopment project area whether or not  
16    redevelopment project costs or the source of payment for the  
17    costs are specifically set forth in the redevelopment plan for  
18    the redevelopment project area.

19       (r) If no redevelopment project has been initiated in a  
20    redevelopment project area within 7 years after the area was  
21    designated by ordinance under subsection (a), the municipality  
22    shall adopt an ordinance repealing the area's designation as a  
23    redevelopment project area; provided, however, that if an area  
24    received its designation more than 3 years before the effective  
25    date of this amendatory Act of 1994 and no redevelopment  
26    project has been initiated within 4 years after the effective

1 date of this amendatory Act of 1994, the municipality shall  
2 adopt an ordinance repealing its designation as a redevelopment  
3 project area. Initiation of a redevelopment project shall be  
4 evidenced by either a signed redevelopment agreement or  
5 expenditures on eligible redevelopment project costs  
6 associated with a redevelopment project.

7 Where a school district includes all or part of one or more  
8 municipalities, a municipality so situated may not implement a  
9 redevelopment plan or redevelopment project unless each  
10 municipality which shares a school district with the  
11 municipality implementing the redevelopment plan or  
12 redevelopment project has approved that plan or project by a  
13 majority vote of its corporate authority.

14 Notwithstanding any other provision of this Section to the  
15 contrary, with respect to a redevelopment project area  
16 designated by an ordinance that was adopted on July 29, 1998 by  
17 the City of Chicago, the City of Chicago shall adopt an  
18 ordinance repealing the area's designation as a redevelopment  
19 project area if no redevelopment project has been initiated in  
20 the redevelopment project area within 15 years after the  
21 designation of the area. The City of Chicago may retroactively  
22 repeal any ordinance adopted by the City of Chicago, pursuant  
23 to this subsection (r), that repealed the designation of a  
24 redevelopment project area designated by an ordinance that was  
25 adopted by the City of Chicago on July 29, 1998. The City of  
26 Chicago has 90 days after the effective date of this amendatory

1 Act to repeal the ordinance. The changes to this Section made  
2 by this amendatory Act of the 96th General Assembly apply  
3 retroactively to July 27, 2005.

4 (Source: P.A. 96-1555, eff. 3-18-11; 97-333, eff. 8-12-11.)

5 Section 99. Effective date. This Act takes effect upon  
6 becoming law."